IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8945 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JASHWANTSINH L. VAGHELA

Versus

DIST. SUPERINTENDENT OF POLICE

Appearance:

MR YN OZA for Petitioner

MR PREMAL JOSHI, AGP for Respondents

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 26/04/2000

ORAL JUDGEMENT

In this petition under Article 226 of the Constitution, the petitioner, a Police Constable in Ahmedabad District, challenged the order dated 11.12.1990 (Annexure "A") suspending the petitioner from service. It appears that earlier ad-interim relief was granted in favour of the petitioner and the same came to be vacated by an order passed by this Court in Civil Application No. 259/91.

2. The order of suspension states that the petitioner was involved in an offence punishable under Section 65A,B,E,F, Section 66B, 67(1)(a)(i), Section 83A and Section 86(1) of the Bombay Prohibition Act. In the affidavit in reply filed by the then District Superintendent of Police, Ahmedabad (Rural), it is pointed out that it was prima facie found that the petitioner was engaged in the activities of supply of illicit liquor and there was a reason to believe that the petitioner was dealing in the supply of liquor. In the course of the investigation at Bavla Police Station, it was revealed that the petitioner had played an active role in the offence which was registered at Crime Register No. 106/90 at the aforesaid Police Station. It was after considering the report of the Investigating Officer and all the relevant papers pertaining to the investigation that the deponent of the reply affidavit had decided to place the petition under suspension.

3. In view of the aforesaid averments made in the reply affidavit, no fault can be found with the impugned order of suspension. The petition, therefore, deserves to be dismissed and is accordingly dismissed.

Rule is discharged with costs.

April 26, 2000 (M.S. Shah, J.)
sundar/-